

Jeremy T. Bergstrom, Esq.
Nevada Bar No. 6904

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MILES, BAUER, BERGSTROM & WINTERS, LLP
2200 Paseo Verde Pkwy., Suite 250
Henderson, NV 89052
(702) 369-5960 / FAX (702) 369-4955
E-mail: jbergstrom@mileslegal.com
File No. 09-93702

Attorneys for Secured Creditor,
BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS SERVICING, LP

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

ADALBERTO GONZALEZ AND ZENAIDA
GONZALEZ,

Debtors.

Case No.: BK-S-09-21070-LBR
Chapter 13

AMENDED
OBJECTIONS TO PROPOSED
CHAPTER 13 PLAN AND
CONFIRMATION THEREOF

Date: September 3, 2009
Time: 01:30 P.M.

BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS
SERVICING, LP, Secured Creditor in the above-entitled Bankruptcy proceeding, hereby submits
the following Objections to the Confirmation of that certain Chapter 13 Plan proposed by
Debtors:

This objecting Secured Creditor holds the first Trust Deed on the subject property
generally described as: 5944 Hickory Nut Avenue, Las Vegas, NV 89142. As of June 25, 2009,
the amount in default was \$8,915.37, representing monthly payments and late charges due from
February 1, 2009 through June 25, 2009; advances for taxes and insurance, if any; and
foreclosure costs and attorneys' fees incurred with respect to the default.

1 The Debtor's Chapter 13 Plan provides for only \$3,600.00 in pre-petition arrears to be
2 paid to Secured Creditor.

3 Furthermore, Debtors have filed a Motion to Value Collateral which, in part,
4 requests a cram-down of the value of the first lien to \$105,000.00. In Re: Enewally states
5 that in the event the first lien balance is bifurcated into secured and non-secured portions,
6 the Debtors' Plan must reflect payment in full of the secured portion during the length of
7 the plan. Debtors' Plan only reflects a total of \$10,628.40 to be paid into the Plan.

8 **CONCLUSION**

9 Any Chapter 13 Plan proposed by Debtors must provide for and eliminate the Objections
10 specified above in order to be reasonable and to comply with applicable provisions of the
11 Bankruptcy Code. It is respectfully requested that confirmation of the Chapter 13 Plan as
12 proposed by Debtor be denied.

13 WHEREFORE, Secured Creditor prays as follows:

14 (1) That confirmation of the proposed Chapter 13 Plan be denied.

15 (2) For attorney's fees and costs incurred herein.

16 (3) For such other relief as this Court deems proper.

17 MILES, BAUER, BERGSTROM & WINTERS, LLP

18 Dated: August 31, 2009 By: /s/ Jeremy T. Bergstrom, Esq.
19 Jeremy T. Bergstrom, Esq.
20 Attorney for Secured Creditor

(09-93702/objaznv.dot/srb)

CERTIFICATE OF MAILING

The undersigned hereby certifies that on August 31, 2009, a copy of Secured Creditor's **AMENDED OBJECTIONS TO PROPOSED CHAPTER 13 PLAN AND CONFIRMATION THEREOF** was served by depositing a copy of same in the United States Mail, in a postage prepaid envelope, addressed to:

DEBTORS:

Adalberto Gonzalez
Zenaida Gonzalez
2222 Seahurst Dr.
Las Vegas, Nv 89142

ATTORNEY FOR DEBTORS:

Samuel A. Schwartz
626 S. Third St.
Las Vegas, NV 89101

ALSO BY ECF AND FAX: 385-2741

CHAPTER 13 TRUSTEE:

Rick A. Yarnall
701 Bridger Ave. #820
Las Vegas, NV 89101

ALSO BY ECF AND FAX: 853-4513

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

/s/ Christine A. Lutz
An Employee of Miles, Bauer, Bergstrom & Winters, LLP
(09-93702/objaznv.dot/srb)